

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.16018 OF 1996

ORAL ORDER:

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This writ petition is filed aggrieved by the alleged action of the respondents in interfering with the possession and enjoyment of the petitioners in and over an extent of Ac.1.02 gts of land situated in Revenue Survey No.70/C, corresponding to T.S.No.2, abutting the northern side stone embankment of Moosi river, Baghlingampally Revenue Village, Musheerabad Revenue Mandal, Hyderabad district as arbitrary and illegal.

This Court while directing *Rule nisi*, passed an interim order dated 13.8.1996, which runs as under:

“Learned Govt. Pleader for Revenue takes notice on behalf of Respondent No.1 and 2. Sri M.P. Ugle, learned Standing Counsel takes notice on behalf of Respondent Nos.3 and 4.

The land in Sy.No.69/A and 70/C *prima facie* title in respect thereof vests in the petitioner and the Town Survey Record also shows that no portion of the said land is belonging to the Government of Andhra Pradesh or the Municipal authorities. Further more, there is Land Acquisition Notification dated 11.11.1990 seeking to acquire the said land for public purpose and the urgency provisions under Section 17(4) were invoked. But the proceedings were kept in abeyance for some reason.

In the light of the above, there shall be an interim injunction restraining the respondents from interfering with the possession of the petitioners over the said land except by due process of law i.e., by issuing a notice under relevant Act under which the respondents propose to act and after affording an opportunity of hearing to the petitioners subject, however, to the condition that if any portion of the land mentioned in the Schedule hereunder is required for the purpose of rehabilitation of displaced Book shop owners pursuant to orders of the Full Bench of this Court in w.P.Nos.6517/96, 10355/96 and 5840/96, it shall be open to the respondent authorities to demarcate the said land and to take possession thereof only after paying 80% of the compensation as provided under Section 17 of the Land Acquisition Act”

Though the matter is pending since 1996, no counter affidavit is filed on behalf of the respondents, and the above interim order continued to be in force throughout. In the circumstances, no further enquiry is necessary on merits.

Accordingly, the writ petition is disposed of in terms of the above interim order dated 13.8.1996. No costs.

(G. ROHINI).

18th January, 2007.
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WRIT PETITION No.16018 OF 1996

18th January, 2007.

Between:

B. Tulja Bai and others.

.. Petitioners.

And

The Secretary, Revenue Department,
Government of Andhra Pradesh of Andhra Pradesh,
Secretariat Buildings, Hyderabad and others.
Respondents.